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| 10/024,790 | 12/19/2001 | Michael P. Gorman | ELECTRO.001C | 5853 |

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EXAMINER

GILMAN, ALEXANDER

ART UNIT PAPER NUMBER

2833

DATE MAILED: 09/30/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/024,790

Applicant(s)

GORMAN, MICHAEL P.

Examiner

Alexander Gilman

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 37-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 37-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Omum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 37-49 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1, 7, 31-35 of U.S. Patent No. 6,341,981. Although the conflicting claims are not identical, they are not patentably distinct from each other because all of the limitations of independent claims of the invention are met by the respective claims of the U.S. Patent No. 6,341,981.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 37, 41, 42, and 44 are rejected under 35 U.S.C. 102(b) as being anticipated by Miller.

With regard to claim 37, Miller (US 5,486,121) discloses (Fig. 5, 12, 13) an electrical module comprising:

front 13) and back (14) covers;

an electrical function (47, 48, 49) being user accessible from said front cover;

a plurality of fixtures (38) extending generally perpendicularly from said back cover; and

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a plurality of contacts (5,6,7).

With regard to claim 41, Miller discloses a wiring panel comprising:

a front and back sides;

a plurality of panel contacts (22, 23);

a plurality of panel fixtures (8, 9), configured to removably engage (using 56) a module (11)

With regard to claim 42, Miller discloses (Fig. 7):

a plurality of terminal contacts (23);

a plurality of busses (21).

2. Claim 37 is rejected under 35 U.S.C. 102(b) as being anticipated by Figart et aler.

With regard to claim 37, Figart et al (US 4,165,443) discloses (Fig. 1-4) an electrical module (14) comprising:

front and back covers;

an electrical function being user accessible from said front cover;

a plurality of fixtures (not shown) extending generally perpendicularly from said back cover; and

a plurality of contacts (80, 82, 84).

3. Claims 41 and 43 are rejected under 35 U.S.C. 102(b) as being anticipated by Olson.

With regard to claim 41, Olson (US 5,399,806) discloses a wiring panel (28, 30, 32) comprising:

a front and back sides;

a plurality of panel contacts (72);

a plurality of panel fixtures (28, 30, 32), configured to removably engage a module (110).

With regard to claim 43, Olson discloses plurality of breakaways (86).

4. Claims 37, 41, 44 are rejected under 35 U.S.C. 102(b) as being anticipated by Marrero.

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With regard to claim 37, Marrero (US 4,103, 125) discloses (Fig. 5, 12, 13) an electrical module comprising:

- front 144) and back (120) covers;
- an electrical function (114) being user accessible from said front cover,
- a plurality of fixtures (112) extending generally perpendicularly from said back cover, and
- a plurality of contacts (the portions connecting 114 and 72).

With regard to claim 41, Marrero discloses a wiring panel (22,24) comprising:

- a front and back sides;
- a plurality of panel contacts (56);
- a plurality of panel fixtures (46), configured to removably engage a module (26).

With regard to claim 44, Marrero discloses a bracket (24).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 38, 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller.

With regard to claims 38 and 39, Miller discloses all of the limitations except for a ground bar for insertion in the corresponding slot of the wiring panel.

Miller discloses ground bar on the wiring panel for insertion in the corresponding slot of the module.

It was held that would be no invention in shifting location of parts to a different position since the operation of the device would not be thereby be modified In re Japikse, 86 USPQ 70.

2. Claims 45-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Figart et al.

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With regard to claims 45 and 48, Figart et al (US 4,165,443) disclose a wiring assembly comprising:

a wiring panel (50) having a front and back sides;

panel contact (64);

an electrical module (14, 18)

Figart et al do not disclose that the panel feature (25) shielding a panel contact is a part of the front side of the wiring panel, teaching that the shielding feature as a part of the electrical box.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the Figart et al connector with the shielding feature as a part of the front side of the wiring panel, since it has been held that rearranging parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70.

With regard to claim 46, Figart et al disclose

an electrical box (10);

a cable connector (60t);

a buss portion (60').

With regard to claim 47 and 49, Figart et al disclose the module has a ground bar (80) and the panel has the corresponding slot.

3. Claims 38-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Figart et al in view of Scott.

With regard to claims 38 and 39, Figart et al disclose all of the limitations except for the configuration of the ground bar allowing insertion of the module in the specified orientation only.

Scott (US 4,403,824) discloses the ground bar allowing insertion of the module in the specified orientation only (col. 2, lines 1-4).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to configure the Figart et al ground blade as a key, as taught by Scott, to allow insertion of the module in the specified orientation only.

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With regard to claim 40, Figart et al disclose a conductive element (a portion with an aperture for element 55.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Gilman whose telephone number is (703) 305-0847. The examiner can normally be reached on Monday-Friday, 10:30 a.m. - 8:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on (703) 308-2319. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7724 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4900.

Alexander Gilman

A handwritten signature in black ink that reads "Alex Gilman". The signature is written in a cursive, flowing style.

September 23, 2002